

Paul A. Sprague et al
USSN 10/726,731
Filed December 2, 2003

Remarks

Claims 1-2 remain in this application.

Amendments

Claim 1 has been amended to include the wording "the first and second closure profiles including an attachment flange, said attachment flange having gripping ridges positioned at top and bottom portions of said attachment flange" after the word "position". In addition, the wording "extending from said attachment flange of said first closure profile and" has been included after the word "flange". Support for these amendments can be found in paragraphs sixty-nine and seventy of the specification. Claim 2 has been amended to include the word "the" after the word "and" and before the word "attachment". No new matter has been added.

Summary of Rejections

Claims 1-2 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Machacek (US 6,595,690) and Buchman et al (US 6,354,738).

Rejection of Claims 1-3 Under 35 U.S.C. 103(a)

In paragraphs 3 and 4 of the Office Action, the Examiner has rejected claims 1-2 under 35 U.S.C. 103(a) as being unpatentable over Machacek and Buchman et al. The Examiner argues that it would have been obvious to one of ordinary skill in the art at the time of the invention to form the reclosable bag, flange, and sealant of polypropylene.

Machacek and Buchman both disclose a tamper evident reclosable plastic bag designed for use as primary packaging. The packages comprise front and rear walls

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joined at the package bottom and sides and a zipper at the package top, which is provided with a slider to facilitate opening and closing of the zipper. The zipper consists of profiles having mating interlocking members that interlock with each other. Each of the profiles further includes downwardly extending flanges that are attached to the rear and front walls of the package.

Applicant claims a flexible, reclosable package for containing a product and allowing the product to be subjected to a retort process while within the reclosable package. The package comprises first and second side panels joined at the package bottom and sides and a zipper positioned along the mouth of the package. The zipper includes a first closure profile attached to the first side panel and a second closure profile attached to the second side panel, wherein the first and second closure profiles are each constructed and arranged to interlock each other to hold the mouth in a closed position.

Unlike the package disclosed by Machacek and Buchman, the first and second closure profiles include an attachment flange that extends above the profiles and has gripping ridges positioned at its top and bottom portions. The gripping ridges, specifically the gripping ridges positioned at the top portion of each attachment flange, assist the user in opening the zipper by allowing the user to grasp the gripping ridges and pull apart the first and second closure profiles. Machacek and Buchman both disclose the use of a slider that fits over the zipper and assists in opening and closing it. The flanges disclosed in Machacek and Buchman only extend downwardly from the closure profiles, do not extend above them, and do not contain gripping ridges. Therefore, Machacek and

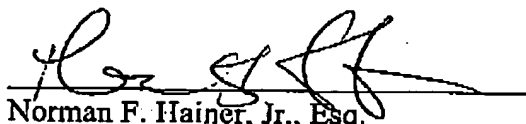
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Buchman do not anticipate Applicants claims. In addition, it would not be obvious to one skilled in the art to include a flange, for use with Machacek and Buchman's packages, that would extend above the closure profiles because then a slider could not be used to assist in opening and closing the zipper.

In view of the amendment to claim 1 and for the foregoing reasons, reconsideration of the rejections and allowance of claims 1 and 2 are respectfully requested.

It is respectfully submitted that the present application is in condition for allowance. If the Examiner would like to suggest changes of a formal nature to place this application in better condition for allowance, a telephone call to Applicants' undersigned attorney would be appreciated.

Respectfully submitted,



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